

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-40 remain pending in the application. Claims 1-11, 13-16, 18-24, 26-29, and 31-40 are amended by the present amendment. No new matter is presented.¹

In the Office Action, Claim 2 was objected to as containing informalities; Claims 1-20, 22-33, and 35-37 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; and Claims 1-40 were rejected under 35 U.S.C. § 103(a) as unpatentable over Osawa et al. (Japanese Patent Application No. 10-305528, herein "Osawa") in view of Miyajima et al. (Japanese Patent Application No. 2001-075095, herein "Miyajima").

Applicant notes that the PTO 892 form provided with the Office Action did not include any cited references. Should the Office wish to cite to references not provided by Applicant, it is respectfully requested that the next Office Action cite such references on a PTO 892 form.

Applicant further notes that the PTO 1449 forms filed on June 21, 2004, were not indicated as considered in the Office Action. However, Claims 1-40 were rejected based on references included on those PTO 1449 forms. Applicant respectfully requests that the next Office Action indicate that the references submitted with the PTO 1449 forms filed on June 21, 2004, were considered.

Regarding the objection to Claim 2, Applicant has amended that claim as suggested by the Examiner. It is respectfully requested that the objection to Claim 2 be withdrawn.

Claims 1-20, 22-33, and 35-37 were rejected under 35 U.S.C. § 101 as lacking the necessary articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. § 101. Applicant respectfully traverses this ground of rejection.

¹ The amendment to Claims 1, 7, 9, 22, and 35-40 finds support at least in the specification at page 29, lines 2-19.

In response to the rejection of Claims 1-20 under 35 U.S.C. § 101, Applicant submits that amended independent Claims 1, 7, and 9 each include a processor. That is, independent Claims 1, 7, and 9 recite a processor, which is a machine or an article of manufacture. Therefore, Applicant respectfully submits that amended Claims 1-20 are therefore statutory.

Turning to the rejection of Claims 22-33 under 35 U.S.C. § 101, it is submitted that Claims 22-33 are directed to a method, and not an apparatus as suggested by the Office. Further, the Office Action has not provided an explanation as to why the method of Claims 22-33 is directed to non-statutory subject matter. As such, the rejection of Claims 22-33 under 35 U.S.C. § 101 is deficient, and Applicant respectfully requests that the rejection be withdrawn.

In response to the rejection of Claims 35-37 under 35 U.S.C. § 101, Applicant submits that these claims invoke 35 U.S.C. § 112, sixth paragraph. It is submitted that a proper analysis under 35 U.S.C. § 112, sixth paragraph, requires consideration of the corresponding structure. The statute states that

An element in a claim for a combination may be expressed as a *means* or *step for performing a specified function* without the recital of structure, material, or acts in support thereof, and *such claim shall be construed to cover the corresponding structure*, material, or acts *described in the specification* and equivalents thereof.

A person of ordinary skill in the art would recognize, in light of the specification at page 29, lines 2-6, that a non-limiting example of the authenticating means recited in Claim 35 may include the processor described in the specification at page 26, lines 18-23, and the programs to be executed by the processor. Applicant further submits that a non-limiting example of the second authenticating means recited in Claim 36 may include the processor described in the specification at page 26, lines 18-23, and the programs to be executed by the processor, in light of the specification at page 27, lines 20-21. Applicant additionally submits that a non-limiting example of the authenticating means recited in Claim 37 may include the

processor described in the specification at page 26, lines 18-23, and the programs to be executed by the processor, in light of the specification at page 29, lines 2-6. Thus, the claimed “means” are not software *per se*, but include the processor and the programs.

In support of this position, Applicant notes *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339 (Fed. Cir. 1999), where the Federal Circuit held that the time domain processing means is a microprocessor programmed to carry out an algorithm. In *WMS Gaming*, the Federal Circuit noted the statutory requirement to focus on corresponding structure.

Additionally, Claims 1-20, 22-33, and 35-37 were rejected under 35 U.S.C. § 101 as being functional descriptive material. However, as none of these claims recite a computer-readable medium, it is unclear why this rejection is being made.

Claims 1-20, 22-33, and 35-37 were further rejected under 35 U.S.C. § 101 as merely being software *per se*. In response, Applicant notes that computer programs are often recited as part of a claim. Office personnel should determine whether a computer program is claimed **as part of an otherwise statutory manufacture or machine**. In such a case, the claims **remain statutory irrespective of the fact that a computer program is included in the claims.**²

Accordingly, Applicant respectfully requests that the rejection of Claims 1-20, 22-33, and 35-37 under 35 U.S.C. § 101 be withdrawn.

Claims 1, 7, 9, 22, and 35-40 were rejected under 35 U.S.C. § 103(a) as unpatentable over Osawa in view of Miyajima. In response to this rejection, Applicant respectfully submits that independent Claims 1, 7, 9, 22, and 35-40 recite novel features not taught or rendered obvious by the applied references.

² See Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, USPTO 2005 (Annex IV, Computer Related Non-Statutory Subject Matter), page 53.

Independent Claim 1 recites, in part, an electronic equipment having parts that are specified by a maintenance range, that includes

a setting part that is set with the maintenance range in which the maintenance of the electronic equipment by a maintenance-attending person is permitted; . . . and
a changing part configured to temporarily change the maintenance range set in said setting part, in response to a change instruction, when said processor authenticates the validity of the maintenance-attending person.

Turning to the applied references, Osawa is directed to a remote maintenance system for an apparatus that has a communication function and a print function. The Osawa system uses control values, such as a light source, a temperature, and a humidity,³ and refers to a range of these control values as a control range.⁴ Osawa describes selecting a table of administrator setting ranges A and B based on a paper type, using means for inputting a serviceman or user information to the apparatus. Further, Osawa shows, at Figure 4, a range in which control values, such as a transfer current and a separation current, are controlled with respect to the environmental temperature.⁵

In other words, the Osawa control range merely refers to a range in which apparatus settings, such as the transfer current and the separation current, may be changed. Applicant submits that Osawa is silent regarding a range of maintenance that a maintenance-attending person is permitted to make (or an extent of the maintenance to which the maintenance-person is permitted to make) with respect to an electronic apparatus. Applicant respectfully submits that Osawa does not disclose or suggest a setting part that is set with a maintenance range in which maintenance of an electronic equipment by a maintenance-attending person is permitted, as recited in amended Claim 1.

Turning to Miyajima, that reference is directed to a device of security strengthening and management engineering over unlawful access using a medical image diagnostic

³ Paragraph [0039].

⁴ Paragraph [0043].

⁵ Paragraph [0046].

equipment. The Office Action apparently acknowledges that Miyajima does not disclose or suggest a setting part which is set with a predetermined maintenance range in which the maintenance is permitted. Applicant submits that Miyajima does not disclose or suggest a setting part that is set with a maintenance range in which maintenance of an electronic equipment by a maintenance-attending person is permitted, as recited in amended Claim 1.

Accordingly, Applicant submits that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest a setting part that is set with a maintenance range in which maintenance of an electronic equipment by a maintenance-attending person is permitted.

Further, the Office Action concedes that Osawa does not disclose or suggest a changing part to temporarily change the predetermined maintenance range set in said setting part, in response to a change instruction, when said authenticating part authenticates the validity of the maintenance-attending person. Applicant respectfully submits that Osawa does not teach or suggest a changing part configured to temporarily change a maintenance range set in a setting part, as recited in amended Claim 1.

To remedy this deficiency, the Office Action relies on Miyajima. Miyajima describes setting an access authority with a time restriction with respect to a serviceman.⁶ That is, the Miyajima access authority simply authorizes the serviceman to access the apparatus. Applicant submits that Miyajima does not disclose or suggest a changing part configured to temporarily change *a maintenance range in which maintenance of an electronic equipment by a maintenance-attending person is permitted*, as recited in amended Claim 1.

Accordingly, Applicant submits that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest a changing part configured to temporarily change a

⁶ Paragraph [0081].

maintenance range in which maintenance of an electronic equipment by a maintenance-attending person is permitted, as recited in amended Claim 1.

It is respectfully submitted that amended Claim 1 (and all associated dependent claims) patentably defines over any proper combination of Osawa and Miyajima.

It is submitted that Osawa is silent about a range of maintenance that a maintenance-attending person is permitted to make to an electronic apparatus. Further, in Miyajima, an access authority merely authorizes a serviceman to access an apparatus. Applicant submits that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest an input part configured to permit input of a change instruction for changing a maintenance range, the maintenance range being a range in which maintenance of an electronic equipment by a maintenance-attending person is permitted, as recited in amended Claim 7. Applicant further submits that independent Claim 7 (and all associated dependent claims) patentably defines over any proper combination of Osawa and Miyajima.

As discussed previously, Osawa is devoid of a reference regarding a range of maintenance that a maintenance-attending person is permitted to make to an electronic apparatus. Further, in Miyajima, a serviceman is merely authorized to access an apparatus by an access authority. It is respectfully submitted that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest a setting part configured to set in advance a maintenance range in which maintenance of an equipment by a maintenance-attending person is permitted, as recited in amended Claim 9. It is further submitted that independent Claim 9 (and all associated dependent claims) patentably defines over any proper combination of Osawa and Miyajima.

Further to the above remarks, Osawa fails to describe a range of maintenance that a maintenance-attending person is permitted to make to an electronic apparatus. As also discussed above, the Miyajima access authority only authorizes a serviceman to access an

apparatus. Applicant respectfully submits that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest setting in advance a maintenance range in which maintenance of an equipment by a maintenance-attending person is permitted, as recited in amended Claim 22. It is submitted that independent Claim 22 (and all associated dependent claims) patentably defines over any proper combination of Osawa and Miyajima.

Moreover, Applicant submits that Osawa does not disclose or suggest a maintenance range that a maintenance-attending person is permitted to make to an electronic apparatus. Further, the Miyajima access authority merely authorizes a serviceman to access an apparatus. It is respectfully submitted that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest setting means for storing a maintenance range in which maintenance of an electronic equipment by a maintenance-attending person is permitted, as recited in amended Claim 35. It is further submitted that independent Claim 35 patentably defines over any proper combination of Osawa and Miyajima.

Further to the above remarks, it is submitted that Osawa fails to disclose or suggest a maintenance range that a maintenance-attending person is permitted to make to an electronic apparatus. Further, Miyajima merely describes an access authority that authorizes a serviceman to access an apparatus. It is respectfully submitted that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest input means for permitting input of a change instruction for temporarily changing a maintenance range, the maintenance range being a range in which maintenance of an electronic equipment by a maintenance-attending person is permitted, as recited in amended Claim 36. Applicant respectfully submits that independent Claim 36 patentably defines over any proper combination of Osawa and Miyajima.

As previously discussed, Osawa is silent with regard to a permitted range of maintenance of a maintenance-attending person relative to an electronic apparatus. Also

previously described, Miyajima merely discusses an access authority that authorizes a serviceman to access an apparatus. It is respectfully submitted that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest setting means for setting in advance a maintenance range in which maintenance of an equipment by a maintenance-attending person is permitted, as recited in amended Claim 37. Applicant submits that independent Claim 37 patentably defines over any proper combination of Osawa and Miyajima.

Further, Osawa is devoid of a reference to a permitted range of maintenance of an electronic apparatus for a maintenance-attending person. In Miyajima, an access authority merely authorizes a serviceman's access to an apparatus. It is submitted that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest setting a maintenance range in which maintenance of an electronic equipment by a maintenance-attending person is permitted, as recited in amended Claim 38. Applicant respectfully submits that amended Claim 38 patentably defines over any proper combination of Osawa and Miyajima.

As previously remarked, Osawa does not disclose or suggest a permitted range of maintenance for a maintenance-attending person relative to an electronic apparatus. Miyajima merely describes authorizing a serviceman's access to an apparatus by an access authority. Applicant respectfully submits that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest inputting a change instruction for temporarily changing a maintenance range when an authenticating authenticates a validity of an operator, the maintenance range being a range in which maintenance of an electronic equipment by a maintenance-attending person is permitted, as recited in amended Claim 39. Applicant further submits that independent Claim 39 patentably defines over any proper combination of Osawa and Miyajima.

As previously discussed, Osawa is absent a reference to maintenance range that a maintenance-attending person is permitted to make to an electronic apparatus. Furthermore,

Miyajima merely discusses an access authority that authorizes a serviceman to access an apparatus. It is respectfully submitted that Osawa and Miyajima, taken alone or in combination, fail to disclose or suggest setting in advance a maintenance range in which maintenance of an equipment by a maintenance-attending person is permitted, as recited in amended Claim 40. Applicant respectfully submits that independent Claim 40 patentably defines over any proper combination of Osawa and Miyajima.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-40 patentably defines over the applied references. The present application is therefore believed to be in condition for formal allowance. An early and favorable reconsideration of the application is respectfully requested.

Respectfully submitted,

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